

**MINUTES
of the
FIRST MEETING
of the
INDIAN AFFAIRS COMMITTEE**

**June 3, 2005
Ramada Inn, Santa Rosa**

The first meeting of the Indian Affairs Committee for the 2005 interim was called to order by Senator John Pinto, co-chair, on Friday, June 3, 2005, at 10:15 a.m. at the Ramada Inn in Santa Rosa.

Present

Rep. James Roger Madalena, Co-chair
Sen. John Pinto, Co-chair
Sen. Rod Adair
Rep. Ray Begaye
Sen. Dianna J. Duran
Rep. Manuel G. Herrera
Sen. Lidio G. Rainaldi
Rep. Teresa A. Zanetti

Advisory Members

Sen. Ben D. Altamirano
Sen. Richard C. Martinez
Rep. Nick L. Salazar

Staff

Charles H. Van Gorder
Jennie Lusk

Guests

The guest list is in the meeting file.

Copies of all handouts and written testimony are in the meeting file.

Absent

Rep. Irvin Harrison
Rep. Patricia A. Lundstrom
Sen. Nancy Rodriguez
Sen John C. Ryan
Rep. Don L. Tripp
Sen. Leonard Tsosie
Rep. W. C. "Dub" Williams

Sen. Joseph J. Carraro
Rep. Ben Lujan
Rep. Fred Luna
Rep. Debbie A. Rodella
Sen. William E. Sharer
Rep. Avon W. Wilson

Friday, June 3

Welcome

Representative Jose A. Campos, who is also the mayor of Santa Rosa, welcomed the committee to Santa Rosa. Representative Campos introduced the committee to the city and described many of the area's assets and natural attractions. He described the recent economic growth of Santa Rosa, including the impact of the state correctional facility and the General Motors transportation facility. The commercial downtown area has become healthier over the past seven years with only a single vacancy where there had been seven vacant store fronts. Where there had been a significant housing vacancy rate, there has been a tremendous growth in housing demand with over 200 homes having been built in recent years. Tourism accounts for about 65 percent of the city's economy with lodgers' tax contributing approximately \$300,000 annually. There are plans for additional new lodging facilities and a downtown plaza development. There has also been a grant to build a new hospital within the next two years.

Summary of 2005 Legislation

Chase Van Gorder and Jennie Lusk, staff attorneys with the Legislative Council Service, reviewed what happened to the legislation endorsed by the committee during the 2005 legislative session:

HB 115	Native American Bilingual School Programs	Died on Senate Floor
HB 223	Indian Child Welfare - Cultural Needs	Pocket Veto (See SB 214)
HB 415	Indian Water Rights Settlement Fund	Died - House Appropriations & Finance Committee
HJR 4	Extend Legislative Terms	Died - House Voters & Elections Committee
HJM 2	Federal Enforcement of Indian Arts & Crafts Act of 1990	Died - Senate Rules Committee
HJM 6	Hogback Bridge	Died - Senate Indian & Cultural Affairs Committee
HJM 16	Radioactivity Testing of Homes	Passed
SB 46	Intertribal Ceremonial Act	Died - Senate Finance Committee
SB 214	Indian Child Welfare - Cultural Needs	Signed - Chapter 188
SJM 14	Federal Enforcement of Indian Arts & Crafts Act of 1990	Died - Senate Rules Committee
SJM 19	Radioactivity Testing of Homes	Died - Senate Indian & Cultural Affairs Committee
SJM 33	Radioactivity Testing of Homes	Passed
SM 5	Navajo Radiation Exposure Compensation	Passed

They also distributed to the committee two legislative summaries prepared by the Indian Affairs Department and an abbreviated version of the final "Locator" publication showing the fate of substantive bills related to Native American issues. They suggested that during the upcoming interim, committee members let either of them know whenever a member has an idea for proposed legislation. This would permit the committee staff to open a 202 file and draft the

requested bill in time for the member to review the draft bill, present it to the committee for endorsement and request that it be approved for introductions during the 2006 "short" legislative session.

Indian Affairs Department

Secretary Benny Shendo, Jr., of the Indian Affairs Department appeared to report to the committee on his view of the 2005 legislative session and the department's plans for the interim. The legislature passed 420 bills, of which 351 were signed into law by Governor Richardson. Of those bills, 26 will directly or indirectly impact Native American tribes and nations in New Mexico. The legislature also passed 18 other Indian-related measures that did not require the governor's signature to become effective. Two particularly important bills that were signed into law were House Bill 868 (Chapter 146) that created the Tribal Infrastructure Fund and Senate Bill 482 (Chapter 155) that expanded the definition of "resident student" to include a member of an Indian tribe or nation located wholly or partially within New Mexico, thereby qualifying such a student for in-state tuition rates and state schools. Governor Richardson approved nearly \$40 million in Indian-related projects, including \$31 million for tribal capital outlay projects of which \$19 million will be administered by the Indian Affairs Department. This figure is approximately twice the amount that was authorized for tribal entities in 2004.

The department's capital outlay unit has a staff of three-and-one-half FTEs with a fourth to be added this month. Secretary Shendo identified the following as the primary goals of the capital outlay unit: 1) to reduce the project backlog; 2) to establish policies and procedures to formalize the department's processes for consistency and accuracy; 3) to establish performance measures and strengthen the monitoring process; and 4) to initiate a program to pay contractors directly instead of through tribal governments. The secretary then reviewed the performance measures that had been included in the department's report to the State Budget Division of the Department of Finance and Administration and the financial numbers for capital outlay projects under the department's administration in fiscal years 2004 and 2005. The secretary commented that the department was attempting to draft one "super" joint powers agreement (JPA) that could be used for all projects involving the Navajo Nation rather than having to have separate JPAs processed and approved for each project. He also reviewed the department's efforts to train representatives of tribal entities in submitting and completing capital outlay project requests.

The secretary concluded his remarks by suggesting that the department would like to work with the committee during the 2005 interim to address the following areas of concern: Indian health care and funding disparities and related urban Indian health issues; resources available to Native American veterans to increase access to services for the improvement of their quality of life; tribal leadership training and cooperative efforts in the drafting of legislation; and capital outlay requests within the department's areas of interest. The secretary then responded to questions from members of the committee. Representative Begaye suggested that the committee might write a letter to the Navajo Nation regarding funding of capital projects.

Following Secretary Shendo's presentation, the committee recessed for lunch.

Bosque Redondo Memorial

Secretary Stuart Ashman of the Cultural Affairs Department addressed the committee regarding the Bosque Redondo Memorial, which was to be dedicated the following day. The secretary reviewed the history of the memorial and noted that the memorial was financed through a \$2 million appropriation from the federal Department of Defense and a total of

\$800,000 appropriated by the state legislature in 2003 and 2004. The city of Fort Sumner donated 60 acres for the location of the memorial. The memorial is intended to educate people as to what occurred to the Native Americans who were forcibly interred at the Bosque Redondo in the 1860s. The secretary referred to the memorial as a "museum of conscience" or "site of shame" and indicated his hope that the memorial would help ensure that such events do not happen again. Committee members suggested the department work to get accurate accounts of the Bosque Redondo history into school textbooks.

Tribal Leadership - Commentary

Frank Dayish, vice president of the Navajo Nation, appeared before the committee to share his thoughts regarding issues of importance for the Navajo Nation. He remarked that projects such as Bosque Redondo encourage people not to rewrite history, but to carefully document what really happened. He views the memorial not as a celebration but as a recognition of how history played out in this location. The fact that there is peace between Navajos and those who caused 8,000 deaths is remarkable.

Mr. Dayish reported that President Bush has done an excellent job in establishing government-to-government relations with the Navajo Nation, and that such relationships need to continue to expand. The vice president reported that education is the Navajo Nation's top priority and it is pushing for a conference on education with industry leaders so that the nation can focus on training young people to be employed in industry. The nation will look to the state for its continued support in educating Navajo students. He discussed problems with federal funding for the Indian Health Service, particularly in remote areas, and about the obligations of the federal government as spelled out in various treaties with the Navajo Nation. He also mentioned an expanded focus on economic development, expanding facilities, law enforcement, art enterprises such as Governor Richardson's filmmaking ventures and tourism. In response to questions from committee members, Vice President Dayish reported that a potato chip plant on the Navajo Nation did not materialize. He offered to get committee members a publication on the Navajo Nation budgetary process and to send agendas of the Navajo Nation Council meetings to members.

Development of Work Plan and Meeting Schedule

Chase Van Gorder and Jennie Lusk presented the committee with the master calendar for interim committees which had been drafted at the request of the Legislative Council, and with a draft of the proposed work plan, meeting schedule and budget for the committee. Following a discussion among committee members, Representative Zanetti moved and Senator Pinto seconded a motion that the committee meet on the following dates for the 2005 interim, as proposed in the master calendar: July 6-8, August 1-3, September 14-16, October 12-14 and November 7-9. The motion was approved without objection. The staff reported that in response to a letter sent to all tribal leaders on behalf of the committee, the committee had received invitations to meet at the following locations during the 2005 interim: the Nenahnezad, Tohatchi and Iyanbito Chapters of the Navajo Nation and the Pueblos of San Juan, Tesuque and Nambe. Following a discussion among committee members, Representative Zanetti moved and Senator Duran seconded a motion that the committee meet at the following locations during the 2005 interim: July - Farmington area; August - Gallup area; September - Dulce area (Jicarilla Apache Nation); October - Ruidoso area (Mescalero Apache Tribe); and November - Santa Fe area. The motion was approved without objection.

The committee then discussed possible topics to address at its meetings during the 2005

interim, including those contained in the proposed work plan prepared by the staff. Upon motion by Senator Rainaldi seconded by Representative Zanetti, the committee determined without objection to address the following topics during the 2005 interim:

- * education for Native American students, including a Native American history component, the implementation of current laws, Native American emphasis within the Public Education Department, teaching Native American languages and cultures, lottery scholarships for students at tribal colleges and the definition of a "rural school district";

- * health care in Native American communities, including school-based health clinics, the status of Indian Health Services facilities and staffing, 638 contracts, the extent and treatment of problems with illegal drugs and suicide prevention;

- * the relationship between the Navajo Nation and the federal Bureau of Indian Affairs, including concern with maintenance of roads and the impact on rural transportation;

- * revenue and taxation issues in Indian country;

- * the status of funding of TANF programs for tribal entities, including the Navajo Nation and Pueblo of Zuni;

- * assistance programs for New Mexico veterans and members of the military services, including homeless veterans and Native American veterans;

- * Native American art, the authenticity of Native American handicrafts and enforcement of existing federal and state laws;

- * voting and elections in Native American communities, including meeting with bureau of election directors in counties that are subject to consent decrees;

- * women's issues in Native American communities;

- * law enforcement issues in Native American communities and the so-called "checkerboard area", including selective DWI enforcement and the status of projects being undertaken by the Native American Domestic Violence Coalition, including the domestic violence initiative, and the involvement of tribal entities in homeland security; and

- * capital outlay, including tracking through the Indian Affairs Department of the expenditure of allocated funds, streamlining, planning and assessing projects, coordination with the Navajo Nation and implementation of the Tribal Infrastructure Act.

The committee is also interested in meeting with one or more members of the state's congressional delegation. It was agreed that the final proposed work plan for the 2005 interim would be prepared by the staff and approved by the committee co-chairs prior to being submitted to by the Legislative Council for approval on June 29.

Other Business

There was no other business brought before the committee.

Adjournment

Upon motion by Senator Pinto, seconded by Senator Duran, Representative Madalena adjourned the meeting at 3:55 p.m.